

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRIAN DEMPSEY, on behalf of himself and all other similarly situated individuals,

Plaintiff,

VS.

SMITH'S FOOD & DRUG CENTERS,  
INC., and DOES 1 through 50, inclusive,

## Defendants.

Case No. 3:24-cv-00269-ART-CSD

**ORDER APPROVING  
JOINT NOTICE OF SETTLEMENT**

Plaintiff, Brian Dempsey (“Plaintiff”) individually and on behalf of all others similarly situated and Defendant Smith’s Food & Drug Centers, Inc. (collectively “The Parties”), by and through their respective counsel of record, hereby notify this Honorable Court that the Parties have reached a proposed resolution to resolve all claims in this matter.

After engaging in serious arms-length negotiations, the Parties were able to reach an agreement to resolve this action. Accordingly, the Parties respectfully request sixty (60) days to

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1 prepare and finalize the proposed settlement agreement and preliminary approval motion.

2 Respectfully submitted,

3 Dated: May 16, 2025

4 **THIERMAN BUCK**

5 /s/Leah L. Jones

6 Joshua D. Buck, Nev. Bar No. 12187  
7 Leah L. Jones, Nev. Bar No. 13161  
8 325 W. Liberty St.  
9 Reno, Nevada 89501

10 *Attorneys for Plaintiff  
and all others similarly situated*

Dated: May 16, 2025

**COZEN O'CONNOR**

By: /s/ Jacob M. Rubenstein

Jacob M. Rubenstein, *Admitted Pro Hac Vice*  
Aaron Holt, *Admitted Pro Hac Vice*  
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11 *Attorneys for Defendant  
Smith's Food & Drug Centers, Inc*

16 **ORDER**

17 Pursuant to the foregoing joint notice by counsel for the Parties and good cause  
18 appearing, IT IS HEREBY ORDERED that:

20 (1) The Parties shall file the proposed Settlement Agreement and Preliminary Approval  
21 Motion sixty (60) days from the date of this Order.

24 Dated: May 16, 2025



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24 Anne R. Traum  
25 United States District Court Judge  
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